

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Christian Keller et al. : Group Art Unit: 3763
Serial No. 10/791,895 :
Filed: March 4, 2004 :
For: ESOPHAGEAL AIRWAY MANAGEMENT :
DEVICE GUIDES :
ZFW/SP

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)
BASED ON PROSPECTIVE MANUFACTURE

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant hereby petitions to advance examination of the above-identified application based on prospective manufacture of the claimed invention.

Applicant states that:

(A) the prospective manufacturer of the invention will manufacture the invention in quantity, and that sufficient capital and facilities will be made available if a patent is granted;

Serial No. 10/791,895

Petition to Make Special Under 37 C.F.R. § 1.102(d)

Based on Prospective Manufacture dated May 3, 2006

In Reply of N/A

(B) the prospective manufacturer will not manufacture,
unless certain that the patent will be granted;

(C) the prospective manufacturer obligates itself to
manufacture the invention, in the United States or its
possessions, in quantity either immediately upon the allowance
of claims or upon issuance of a patent which will protect the
investment of capital and facilities; and

(D) Applicant has caused to be made a careful and thorough
search of the prior art; and

(E) Applicant has already provided one copy of each of
the references deemed most closely related to the subject matter
encompassed by the claims, and the said references are already
of record, as evidenced by the previously filed Information
Disclosure Statement, filed January 16, 2004.

Accordingly, it is requested that this Petition be granted,
and that the above-identified application be advanced for
examination.

Attached is a check in the amount of \$130.00 in accordance
with 37 C.F.R. § 1.102(d) and 37 C.F.R. § 1.17(h). It is

Serial No. 10/791,895

Petition to Make Special Under 37 C.F.R. § 1.102(d)

Based on Prospective Manufacture dated May 3, 2006

In Reply of N/A

believed that no additional fee is due for this submission; however, should that determination be incorrect, the Examiner is hereby authorized to charge any deficiencies to our Deposit Account No. 19-2105, and notify the undersigned in due course.

Should the Examiner have any questions or wish to discuss further this matter, please telephone Terrence Brown at the 703-684-5600 to discuss such.

Respectfully submitted,

Date:

May 3, 2006

Terrence L.B. Brown
Attorney for Applicant
Reg. No. 32,685

SHLESINGER, ARKWRIGHT & GARVEY LLP
1420 King Street, Suite 600
Alexandria, Virginia 22314
(703) 684-5600
sb